

CA094570

**SHELBY COUNTY BOARD OF COMMISSIONERS
AGENDA ROUTE SHEET**

Referred to Commission Committee _____

For Commission Action on _____

DESCRIPTION OF ITEM:

RESOLUTION APPROVING THE AMENDMENT TO THE CONTRACT WITH MENDOLA & ASSOCIATES, LLC FOR THE AUDIT OF TANGIBLE PERSONAL PROPERTY ACCOUNTS WITHIN SHELBY COUNTY FOR CALENDAR YEAR 2008 IN THE AMOUNT OF \$420,000.00 AND APPROPRIATING SAID AMOUNT IN THE FISCAL 2008-2009 OPERATING BUDGET OF THE SHELBY COUNTY ASSESSOR. THIS ITEM REQUIRES EXPENDITURE OF COUNTY GENERAL FUNDS IN THE AMOUNT OF \$420,000.00. SPONSORED BY COMMISSIONER JOSEPH FORD, SR.

CHECK ALL THAT APPLY BELOW:

_____ This Action does NOT require expenditure of funds.

 X This Item requires/approves expenditure of funds as follows (complete all that apply):

County General Funds: \$ 420,000.00 ; County CIP Funds- \$ _____

State Grant Funds: \$ _____ ; State Gas Tax Funds: \$ _____

Federal Grant Funds: \$ _____

Other funds (Specify source and amount): \$ _____

Other pass-thru funds (Specify source and amount): \$ _____

Originating Department: ASSESSOR

APPROVAL:

Dept. Head:

| | | |
|------------------------------|------------|--------|
| _____ | _____ | _____ |
| (Print your name & phone #.) | (Initials) | (Date) |

Elected Official:

| | | |
|-----------------------------------|------------|---------------|
| <u>Rita Clark</u> <u>379-7360</u> | <u>RC</u> | <u>5/8/08</u> |
| (Print your name & phone #.) | (Initials) | (Date) |

Division Director:

| | | |
|------------------------------|------------|--------|
| _____ | _____ | _____ |
| (Print your name & phone #.) | (Initials) | (Date) |

CIP – A&F Director:

| | | |
|------------------------------|------------|--------|
| _____ | _____ | _____ |
| (Print your name & phone #.) | (Initials) | (Date) |

Finance Dept.

agm
5/21/08

| | | |
|--------------------------------------|------------|----------------|
| <u>Michael Swift</u> <u>545-4289</u> | <u>MS</u> | <u>5/21/08</u> |
| (Print your name & phone #.) | (Initials) | (Date) |

County Attorney:

| | | |
|------------------------------------|------------|----------------|
| <u>Mary Bright</u> <u>545-4963</u> | <u>mb</u> | <u>5/21/08</u> |
| (Print your name & phone #.) | (Initials) | (Date) |

CAO/Mayor:

| | | |
|---|------------|----------------|
| <u>James Huntzicker</u> <u>545-4514</u> | <u>JH</u> | <u>5.22.08</u> |
| (Print your name & phone #.) | (Initials) | (Date) |

SUMMARY SHEET

I. Description of Item

The Assessor desires to enter into an Amendment to the Contract with Mendola & Associates for the audit of 1,771 tangible personal property accounts within Shelby County for calendar year 2008 at a cost of \$420,000.00.

The initial contract and two (2) renewal years were approved in the amount of \$400,000.00 for each period. The \$20,000.00 increase in the contract price requires approval.

As part of a court settlement, the State of Tennessee Board of Equalization mandated and implemented a statewide Audit Plan for tangible personal property on January 1, 1998. The Audit Plan requires audits of selected accounts on an annual basis. In Shelby County, accounts to be audited are randomly selected by the Tennessee Division of Property Assessments. The accounts selected meet the minimum number of accounts required to be audited.

At the time the initial contract price was set, the total number of accounts selected for audit by the State was 1,713. For 2008, the State requires that 1,771 accounts be audited, an increase of 58 accounts. This increase was not anticipated.

Prior to 2008, the State allowed Shelby County to exclude from the selection process, all accounts that had been previously audited. Beginning with tax year 2008, only accounts audited in the previous two (2) years can be excluded. The increase in accounts (7,182 were added) in the pool has resulted in the increase in the total selected. And it is expected that the State will select approximately the same number of accounts next year.

II. Source and Amount of Funding

County General Funds

III. Contract Items

Mendola & Associates contract amendment.

IV. Additional Information Relevant to Approval of this Item

A copy of the contract amendment and Gratuuity Disclosure Form are attached as Exhibit A.

ITEM #: _____

PREPARED BY: Gwendolyn Cranshaw

APPROVED BY: *MBright*

RESOLUTION APPROVING THE AMENDMENT TO THE CONTRACT WITH MENDOLA & ASSOCIATES, LLC FOR THE AUDIT OF TANGIBLE PERSONAL PROPERTY ACCOUNTS WITHIN SHELBY COUNTY FOR CALENDAR YEAR 2008 IN THE AMOUNT OF \$420,000.00 AND APPROPRIATING SAID AMOUNT IN THE FISCAL 2008-2009 OPERATING BUDGET OF THE SHELBY COUNTY ASSESSOR. THIS ITEM REQUIRES EXPENDITURE OF COUNTY GENERAL FUNDS IN THE AMOUNT OF \$420,000.00. SPONSORED BY COMMISSIONER JOSEPH FORD, SR.

WHEREAS, the State of Tennessee Board of Equalization, as part of a court settlement, has mandated a statewide Audit Plan for tangible personal property which was implemented on January 1, 1998; and

WHEREAS, the Audit Plan requires audits of selected accounts in Shelby County on an annual basis; and

WHEREAS, the accounts to be audited in Shelby County are selected by the Tennessee Division of Property Assessments; and

WHEREAS, the County previously entered into a contract with Mendola & Associates, LLC, dated March 27, 2007, for the audit of 1,713 tangible personal property accounts within Shelby County; and

WHEREAS, the Contract provides for two (2) additional one-year options to renew, upon mutual written agreement of the parties; and

WHEREAS, the initial contract price and two (2) renewal years was \$400,000.00 for each period; and

WHEREAS, the Audit Plan requires a total of 1,771 audits within Shelby County for the calendar year 2008 at a cost of \$420,000.00; and

WHEREAS, the parties desire to exercise the first of two (2) additional one-year options to renew the contract at a cost of \$420,000.

NOW, THEREFORE, BE IT RESOLVED, that the attached amendment to the contract with Mendola & Associates, LLC for audit services be adopted.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that funds in the amount of \$420,000.00 are hereby appropriated from the Fiscal Year 2008-2009 Shelby County Operating Budget, for the purposes of this Resolution, from Account Number 043-800401-6634, Outside Consultants.

BE IT FURTHER RESOLVED, that the remaining option to renew the aforementioned contract is approved in the amount of \$420,000.00 subject to the adoption of the appropriate fiscal year's operating budget.

BE IT FURTHER RESOLVED, that the County Mayor is hereby authorized to execute the above-referenced Contract Amendment on behalf of the Shelby County Government, an executed copy of which contract is to be placed on file in the Purchasing Department.

BE IT FURTHER RESOLVED, that all actions taken by this resolution are hereby made contingent upon adoption of the 2008-2009 Shelby County Operating Budget by the Board of Commissioners with sufficient funds allocated in Account Number 043-800401-6634 for the appropriation made herein.

BE IT FURTHER RESOLVED, that the County Mayor and the Director of Administration and Finance are authorized to issue their warrant or warrants in an amount not to exceed \$420,000.00 for the purposes contained in this resolution and take proper credit in their accounting therefor.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____

CA07457
BP

CONTRACT AND ENCUMBRANCE INFORMATION SHEET
AN ORIGINAL AND 1 COPY OF THIS FORM MUST BE SUBMITTED

THIS SHEET MUST BE COMPLETED AND SIGNED BY THE DEPARTMENT HEAD AND DIVISION DIRECTOR, AND, IF APPLICABLE, THE HEALTH POLICY COORDINATOR, AND ATTACHED TO ALL CONTRACT AND RESOLUTION PACKETS BEFORE ANY ACTION WILL BE TAKEN.

1. Department Requesting Services: ASSESSOR
2. Preparer's Name, Telephone #, and E-Mail Address:
GWENDOLYN CRANSHAW 379-7350 cranshag@assessor.shelby.tn.us
3. DESCRIPTION OF ITEM TO BE PURCHASED, BUILT, OR SERVICE TO BE PROVIDED:
AUDITS OF PERSONAL PROPERTY SCHEDULES
4. NAME, ADDRESS, VENDOR NUMBER, SOCIAL SECURITY NUMBER, AND/OR FEDERAL I.D. NUMBER OF VENDOR/CONSULTANT/AGENCY WITH WHICH SHELBY COUNTY WILL BE CONTRACTING:
MENDOLA & ASSOCIATES LLC
312 CROSSTOWN RD. PMB 202
PEACHTREE CITY, GA 30269
VENDOR NO./FED. ID NO. 19357
5. COST OF ITEM OR SERVICE REQUESTED: \$420,000.00
6. TERM OF PROPOSED CONTRACT/AGREEMENT: JULY 1, 2008 - JUNE 30, 2009
7. FUND, ORG, AND ACCOUNT NUMBER (13 DIGITS) **FOR MULTIPLE ACCOUNTS, PLEASE SPECIFY DOLLAR AMOUNT FOR EACH**
043-800401-6634 \$420,000
8. COMMODITY CODE: _____
9. VENDOR/CONSULTANT/AGENCY SELECTED BY (CHECK ONE):
PLEASE ATTACH APPROVAL DOCUMENTS
a. ☐ Bid/RFP Process - # & Date _____
b. ☐ Emergency/Sole Source _____
10. LOSB/MBE INFORMATION: Please check the appropriate description
☐ MBE (MINORITY OWNED BUSINESS ENTERPRISE)
☐ MALE ☐ FEMALE
☐ WBE (WOMEN OWNED BUSINESS ENTERPRISE)
☐ LOSB (LOCALLY OWNED SMALL BUSINESS)
ANNUAL SALES DOES NOT EXCEED \$3 MILLION
☒ N/A
11. SPECIAL INSRUCTIONS (ROUTING, FUNDING, BUDGET TRANSFER IN PROCESS)
To renew CA074570

REVIEWED AND APPROVED BY:

HEALTH POLICY COORDINATOR DATE
(If Applicable)

Gwendolyn Cranshaw 5-5-08
DEPARTMENT HEAD DATE
Rita [Signature] 5-7-08
DIVISION DIRECTOR DATE

Amendment to Agreement

THIS AMENDMENT (hereinafter "Amendment") is made and entered into this _____ day of _____, 2008, by and between Shelby County Government (hereinafter "COUNTY") and Mendola & Associates, LLC (hereinafter "MENDOLA").

WHEREAS, the parties previously entered into an agreement (hereinafter "Agreement") dated March 27, 2007, for the audit of 1,713 tangible personal property accounts within Shelby County for calendar year 2007, and;

WHEREAS, the initial contract price and two renewal years was \$400,000 for each period, and;

WHEREAS, the parties now desire to enter into this Amendment to the Agreement for the audit of 1,771 tangible personal property accounts within Shelby County that were selected by the State Division of Property Assessments for calendar year 2008, and;

WHEREAS, the contract price for the 2008 year is \$420,000.

NOW, THEREFORE, for and in consideration of the mutual promises of the parties to this agreement and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto do hereby agree as follows:

1. The Agreement between the parties is hereby renewed for the period beginning July 1, 2008, until June 30, 2009.
2. The total cost for this renewal period (or) Amendment shall not exceed FOUR HUNDRED TWENTY THOUSAND AND 00/100 (\$420,000.00) Dollars payable in accordance with the terms of the Agreement.
3. This Amendment shall be subject to and contingent upon adoption of the Fiscal Year 2008-2009 Operating Budget of Shelby County Government by the Board of County Commissioners and approval of the cost for this Amendment within said Operating Budget.
4. The terms and conditions of the original Agreement, except as amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment on the

_____ day of _____ 2008.

APPROVED AS TO FORM
AND LEGALITY:

SHELBY COUNTY GOVERNMENT

M. Bright
Contract Administrator
Assistant County Attorney

A C WHARTON, JR., MAYOR

MENDOLA & ASSOCIATES, LLC

By: *J. Neill Murphy*
Title: DIRECTOR

CORPORATE ACKNOWLEDGMENT

STATE OF TENNESSEE
COUNTY OF KNOX

Before me, the undersigned Notary Public, in and for the State and County aforesaid, personally appeared J. Neill Murphy, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself/herself to be president or other officer authorized by appropriate Corporate action and/or Resolution to execute the preceding instrument of the Contract the within named bargainer, a corporation, and that he as such Director / Principal, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself/herself as J. Neill Murphy.

WITNESS my hand and official seal at office this 7 day of March, 2008.

Rebecca H. Taylor
Notary Public

My Commission Expires: March 14, 2009

